Supreme Court, U.S.
FILED

981488 MAR 17 1999

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No.

In the

Supreme Court of the United States

October Term, 1998

LARRY RITCHIE JUNIOR and BRYAN DOUGLAS WALLACE

Petitioners,

-vs-

STATE OF WEST VIRGINIA [SUED AS A PERSON] et al

Respondents,

On Petition for Writ of Certiorari to the Fourth Judicial Circuit Court
Wood County, West Virginia

On Petition for Writ of Certiorari to the Supreme Court of Appeals
Kanawha County, West Virginia

PETITION FOR WRIT OF CERTIORARI

JEFFREY K. PHILLIPS of STEPTOE & JOHNSON
BENJAMIN HUGHES of PULLIN, KNOPF, FOWLER & FLANAGAN
WILLIAM L. MUNDY of MUNDY & ADKINS
Counsel of Record

LARRY RITCHIE JUNIOR and BRYAN DOUGLAS WALLACE
Petitioners
c/o Route 2 Box 54
Marietta, Ohio 45750

39pp

QUESTIONS FOR REVIEW.

1) Are Officers of Court with possession of knowledge of Fraud of activity of crimes perpretated liable for neglect of prevention of further injury(s) or wrong(s)?

2) Within a civil case; can a State Official seize property or citizen without securing an Amendment Four Warrant for Arrest or Warrant for Search or Seizure issued by a Court of Law before commencement of Trial?

3) Can a State Court(s) issue orders; declare Rulings of Law against Citizens under status of Ex Parte without service of process and/or consent of Citizen?

4) Can Courts within State of West Virginia break law for enforcment of Law by ignore Citizens'Rights of due process of law under 1789 U.S.C.A. V, XIV and under Article III Section 10 of Constitution of West Virginia?

NAME AND ADDRESS OF RESPONDENTS

1) RESPONDENTS STATE OF WEST VIRGINIA [Sued as a Person], JEFFREY REED [Judge], GEORGE HILL [Judge], WILLIAM RHODES [Magistrate], WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES [Sued as a Person], JOAN GEORGE [Social Worker], PATRICIA FORE-McCAY [Social Worker], SARA REEVES [Social Worker], JEFF BOWLES [State Police], MARY ROSSANA [Social Worker] and MARSHA RUTHERFORD [Secretary]

(Counsel of Record)

JEFFREY K. PHILLIPS
STEPTOE & JOHNSON
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Charleston, West Virginia 25326
Phone No. (304) 353-8000
Facsimile No. (304) 353-8180

2) RESPONDENTS WOOD COUNTY [Sued as a Person], MICHELLE RUSEN [Prosecutor], WOOD COUNTY PROSECUTOR OFFICE [Sued as a Person] and HAROLD PHILLIPS [Deputy Sheriff]

(Counsel of Record)

BENJAMIN T. HUGHES
PULLIN, KNOPF, FOWLER & FLANAGAN
Bank One Center, Suite 1000
707 Virginia Street, East
Charleston, West Virginia 25301-2726
Phone No. (304) 344-0100

c) RESPONDENT CITY OF PARKERSBURG [Sued as a Person]

(Counsel of Record)

WILLIAM L. MUNDY
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Huntington, West Virginia 25728
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TABLE OF CONTENTS

	Page
Questions Presented	i
Name and Address of Respondents	ii
Table of Contents	iii
Table of Citations	iv
I. Opinions Below	1
II. Statement of Jurisdiction	1
III. Constitutional Provision and Statutory	2
IV. Statement of Case	3
V. Reasons for Granting Writ of Certiorari	6
VI. Prayer for Relief	7

Contents

	Page
TABLE OF CITATIONS	
Statutes Cited:	
Title 18 U.S.C.S. § 242	3, 6
Title 18 U.S.C.S. § 241	3, 7
Title 18 U.S.C.S. § 700	3
Title 18 U.S.C.S. § 872	3
Title 18 U.S.C.S. § 1201	3
Title 18 U.S.C.S. § 1505	3, 7
Title 18 U.S.C.S. § 1586	3
Title 18 U.S.C.S. § 1588	3
Title 18 U.S.C.S. § 1621	3
Title 18 U.S.C.S. § 1951	3
Title 28 U.S.C.S. § 1605	3, 4
Title 28 U.S.C.S. § 1606	3, 4
Title 28 U.S.C.S. § 1257	1
Title 42 U.S.C.S. § 1983	3, 6
Title 42 U.S.C.S. § 1985	3, 5
Title 42 U.S.C.S. § 1986	3, 5, 6, 7
United States Constitution Cited:	
Amendment I	1, 2
Amendment IV	2
Amendment V	i, 2, 5, 6, 7
Amendment VII	2, 4
Amendment XIII	2
Amendment XIV	i, 2, 5, 6, 7
Article III Section 2	1
Article III Section 2 [1]	1
Article IV Section 4	2
Article IV Section 3 [1]	2
Article VI Section 2	2

Contents

	Page
Constitution of West Virginia Cited:	
Article III Section 4	3
Article III Section 6	3
Article III Section 10	i, 3, 5, 6, 7
Article III Section 13	3, 4
Article VIII Section 3	4, 5
Article VIII Section 6	3
Article IX Section 4	3
Federal Rules of Civil Procedure Cited:	
Rule 12(b)(1)	4
Rule 12(b)(2)	4
Supreme Court Rules Cited:	
Rule 10	1
APPENDIX	
APPENDIX A — Decision of the Supreme Court of Appeals, Kanawha County, West Virginia decided January 28, 1999.....	1 a
APPENDIX B — Decision of Fourth Judicial Circuit Court Wood County, West Virginia decided January 7, 1999.....	7 a
APPENDIX C — Relevant Statutes	18 a

I. OPINIONS BELOW

1) During Regular Term of Supreme Court of Appeals continued and held at Kanawha County, West Virginia on the 28th day of January, 1999, the following order was made and entered within 990158 Larry Ritchie Junior Petitioners et al -vs- State of West Virginia et al;

a) January 19, 1999, Larry Ritchie Junior and Bryan Douglas Wallace Petitioners presented before Supreme Court of Appeals a petition seeking a Writ of Certiorari. Consideration by Supreme Court Appeals is of opinion to and doth refuse Larry Ritchie Junior and Bryan Douglas Wallace Petitioners' Petition for Writ of Certiorari.

2) Decision of Supreme Court of Appeals, Kanawha County, West Virginia is filed under 990158 and decision of Fourth Judicial Circuit Court, Wood County, West Virginia is filed under 98-C-510 and cases are unreported.

II. STATEMENT OF JURISDICTION

3) Judgment delivered by Supreme Court of Appeals, Charleston, Kanawha County, West Virginia was entered January 28, 1999.

4) Larry Ritchie Junior and Bryan Douglas Wallace Petitioners invokes Supreme Court of the United States' Jurisdiction for issued Writ of Certiorari under Supreme Court Rule 10 for Conflict(s) with Decision by Court of last resort within State of West Virginia under Title 28 U.S.C. Section 1257 for review of Judgment by Supreme Court of Appeals, Kanawha County, West Virginia by Article III Section 2 under Constitution of United States for Controversies between State and Citizen of Another State and Article III Section 2 [1] under Constitution of United States of America for exercising Power of Judicial under 1789 United States Constitution Amendment I for Right of Petitioning Government for redress of grievances.

5) Larry Ritchie Junior and Bryan Douglas Wallace Petitioners Writ of Certiorari is made Timely and in Good Faith with no just cause for Delay.

III. CONSTITUTIONAL AND STATUTORY INVOLVED

6) Provisions under United States Constitution before Supreme Court of Appeals, Charleston, West Virginia January 19, 1999 by Writ of Certiorari from Fourth Judicial Circuit Court, Wood County, West Virginia.

i. Provisions under 1789 United States Constitution

a) Amendment I Right to Petition the Government for a redress of grievances;

b) Amendment IV Unreasonable Searches and Seizures without Warrants;

c) Amendment V nor be deprived of life, liberty or property without due process of law;

d) Amendment VII Right of Trial by Jury shall be preserved;

e) Amendment XIII Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction;

f) Amendment XIV Nor shall any State deprive citizens of life, liberty or property without due process of law;

g) Article IV Section 4 The United States shall guarantee to every State in this Union a Republican Form of Government;

h) Article IV Section 3 [1] No new State shall be formed or erected within the Jurisdiction of any other State;

i) Article VI Section 2 This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State Shall by bound thereby, any Thing in the Constitution or Laws on any State to the Contrary notwithstanding;

7) Statutes and Constitution of West Virginia provisions before Supreme Court of Appeals, Charleston, West Virginia January 19, 1999 by Petition for Writ of Certiorari to Fourth Judicial Circuit Court, Wood County, West Virginia. For length of Statutes and Constitution of West

Virginia provisions involved are lengthy, the immediately pertinent portions of statutes are setforth within Appendix C, page 18 a which provisions include;

i. United States Code

a) Title 42 U.S.C.S. § 1986 Knowledge of Law;
b) Title 42 U.S.C.S. § 1985 Conspiracy against Rights;
c) Title 42 U.S.C.S. § 1983 Deprivation of Rights;
d) Title 18 U.S.C.S. § 242 Deprivation of Rights under Color of Law;
e) Title 18 U.S.C.S. § 241 Conspiracy against rights;
f) Title 18 U.S.C.S. § 700 Desecration Flag of United States of America;
g) Title 18 U.S.C.S. § 872 Extortion;
h) Title 18 U.S.C.S. § 1201 Kidnapping;
i) Title 18 U.S.C.S. § 1505 Obstruction of Justice;
j) Title 18 U.S.C.S. § 1584 Sale into involuntary servitude;
k) Title 18 U.S.C.S. § 1588 Transportation of Slaves;
l) Title 18 U.S.C.S. § 1621 Perjury of Oath of Office;
m) Title 18 U.S.C.S. § 1951 Fraud and Racketeering;
n) Title 28 U.S.C.S. § 1605 Jurisdictional immunity of a foreign state;
o) Title 28 U.S.C.S. § 1606 Extent of liability;

ii. Provisions under Constitution of West Virginia

p) Article III Section 4 No bill of attainder, ex post facto law, or law impairing the obligation of a contract, shall be passed;
q) Article III Section 6 Unreasonable Searches and Seizures without Warrants;
r) Article III Section 10 deprived of life, liberty, or property, without due process of law;
s) Article III Section 13 Right of Jury Trial;
t) Article VIII Section 6 Circuit Courts; Jurisdiction, Authority and Power;
u) Article IX Section 4 Malfeasance, Misfeasance and neglect official duty.

IV. STATEMENT OF CASE

9) December 3, 1998; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs filed a Bill of Complaint; Writ of Error within FOURTH

JUDICIAL CIRCUIT COURT, WOOD COUNTY, WEST VIRGINIA under FOURTH JUDICIAL CIRCUIT COURT Original Jurisdiction under Article VIII Section 6 under Constitution of West Virginia for Right of Jury Trial under U.S.C.A. 7 and Article III Section 13 under Constitution of West Virginia for enforcement of Title 28 U.S.C. Section 1605 and Section 1606 for loss of Immunity under F.R.C.P. Rule 12(b)(1) for Jurisdiction over Subject Matter and F.R.C.P. Rule 12(b)(2) for Jurisdiction over Party under activity of Commerce.

10) December 18, 1998 Respondents Wood County [Sued as a Person]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Michelle Rusen [Prosecutor] by Counsel of PULLIN, KNOPE, FOWLER & FLANAGAN filed a Motion to Dismiss.

11) December 18, 1998 Respondent City of Parkersburg [Sued as a Person] by Counsel of MUNDY & ADKINS filed Motion for Sanctions and Motion to Dismiss with Hearing for January 4, 1999.

12) December 21, 1998 Respondents State of West Virginia [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker] and Marsha Rutherford [Secretary] by Counsel of STEPTOE & JOHNSON filed a Motion to Dismiss.

13) December 23, 1998 Respondent Jeff Bowles [State Police] by Counsel of STEPTOE & JOHNSON filed a Motion to Dismiss.

14) December 29, 1998 Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs filed Motion to Strike Respondents State of West Virginia [Sued as a Person]; Wood County [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary];

Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff]; and Jeff Bowles [State Police] Motion to Dismiss for Redundant, Immaterial, Insufficient Defense and Scandalous Substance.

15) December 29, 1998 Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs filed Motion to Strike Respondent City of Parkersburg [Sued as a Person] Motion for Sanctions for Redundant, Immaterial, Insufficient Defense and Scandalous Substance.

16) December 29, 1998 STEPTOE & JOHNSON filed Notice of Hearing for January 4, 1999 at 2:30pm.

17) January 5, 1999 Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs filed Motion for Sanctions against STEPTOE & JOHNSON for failure to appear for Hearing.

18) January 7, 1999; Order by Fourth Judicial Circuit Court, Wood County, West Virginia dismissing Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs Bill of Complaint: Writ of Error.

19) January 14, 1999; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs Notice Respondents State of West Virginia [Sued as a Person]; City of Parkersburg [Sued as a Person]; Wood County [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Health and Human Resources [Sued as a Person]; Joan George [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] of a Petition for Writ of Certiorari before Supreme Court of Appeals, Charleston, West Virginia.

20) January 19, 1999; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners filed Writ of Certiorari within Supreme Court of Appeals for Certification of record for review by Jurisdiction invoked under Article VIII Section 3 of Constitution of West Virginia.

21) January 28,1999; Order issued by Supreme Court of Appeals of West Virginia dismissing/denying Larry Ritchie Junior and Bryan Douglas Wallace Petitioners' Writ of Certiorari for Certification of Record

against Fourth Judicial Circuit Court, Wood County, West Virginia for review.

22) February 16, 1999; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners Noticed Respondents State of West Virginia [Sued as a Person]; City of Parkersburg [Sued as a Person]; Wood County [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Health and Human Resources [Sued as a Person]; Joan George [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] of Writ of Certiorari before Supreme Court of United States.

V. REASONS FOR GRANTING WRIT OF CERTIORARI

23) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 42 U.S.C. Section 1985 for Conspiracy by Supreme Court of Appeals of West Virginia.

24) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 42 U.S.C. Section 1983 for Deprivations of Rights under Color of Law by Supreme Court of Appeals of West Virginia.

25) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 18 U.S.C. Section 242 for Deprivation of Rights by Supreme Court of Appeals of West Virginia.

26) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 18 U.S.C. Section 241 for Conspiracy by Supreme Court of Appeals of West Virginia.

27) Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong under Title 18 U.S.C. Section 1505 for Obstruction of Justice by Supreme Court of Appeals of West Virginia.

VI. PRAYER FOR RELIEF

28) Larry Ritchie Junior and Bryan Douglas Wallace Petitioners prays Supreme Court of United States of America issue Larry Ritchie Junior and Bryan Douglas Wallace Petitioners' Petition for Writ of Certiorari for review of Judgment entered by Supreme Court of Appeals of West Virginia for Court of Last Resort under Operation and Rule of Law.

29) Further Relief Supreme Court of United States of America deems necessary.

Respectfully Submitted,

Larry Ritchie Junior Petitioner
c/o Route 2 Box 54
Marietta, Ohio 45750

Respectfully Submitted,

Bryan Douglas Wallace Petitioner
c/o Post Office Box 220
Marietta, Ohio 45750

APPENDIX A — OPINION BY SUPREME COURT OF APPEALS, KANAWHA COUNTY, WEST VIRGINIA ON THE 28 DAY OF JANUARY, 1999.

In the

SUPREME COURT OF APPEALS
CHARLESTON, WEST VIRGINIA

Incorporated Case Number 990158

LARRY RITCHIE JUNOR and BRYAN DOUGLAS WALLACE

Petitioners,

-vs-

STATE OF WEST VIRGINIA [SUED AS A PERSON] et al

Respondents,

Petition for Writ of Certiorari to Fourth Judicial Circuit Court
Wood County, West Virginia
Incorporated Case 98-C-510 – Robert Water, [Judge]

January 19, 1999; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners presented Petition for Writ of Certiorari under Article VIII Section 3 of Constitution of West Virginia before Supreme Court of Appeals for certification of record for record against Fourth Judicial Circuit Court; Wood County, West Virginia.

January 28, 1999; during regular term of Supreme Court of Appeals of West Virginia issued an Order dismissing Larry Ritchie Junior and Bryan Douglas Wallace Petitioners' Writ of Certiorari.

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1) January 19, 1999 Larry Ritchie Junior and Bryan Douglas Wallace Petitioners presented before Supreme Court of Appeals, Kanawha County, West Virginia a Petition for Writ of Certiorari with Alleged Activities of Crimes under Color of state Law of Malfeasance, Misfeasance, Nonfeasance and gross neglect of duty of Respondents State of West Virginia [Sued as a Person]; County of Wood [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West

Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police].

2) January 19, 1999 Larry Ritchie Junor and Bryan Douglas Wallace Petitioners presented before Supreme Court of Appeals, Kanawha County, West Virginia following Facts;

a) Jamie Darren, Sprouse; Kristina Lin, Hunton; Tiffany Joy, Shuler; Tiara Dawn, Shuler; Mercedes Dawn, Alexander; Steve Dwayne, Alexander III; Samantha Renee, Miller; Joseph Todd, Alexander; Stacey Dawn, Wright; James Clinton, Sprouse Jr.; Cody Alexander, Sprouse; Jonathan Michael, Duby; Jordan Porter; and Jamie Porter were kidnapped without Due Process of Law under U.S.C.A. V, XIV and under Article III Section 10 under Constitution of West Virginia for termination of parental rights in a civil action with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

b) Jamie Darren, Sprouse; Kristina Lin, Hunton; Tiffany Joy, Shuler; Tiara Dawn, Shuler; Mercedes Dawn, Alexander; Steve Dwayne, Alexander III; Samantha Renee, Miller; Joseph Todd, Alexander; Stacey Dawn, Wright; James Clinton, Sprouse Jr.; Cody Alexander, Sprouse; Jonathan Michael, Duby; Jordan Porter; and Jamie Porter were kidnapped without U.S.C.A. IV or Article III Section 6 under Constitution of West Virginia for Warrant of Seizure of Citizens for termination of parental rights in a civil action with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

c) State of West Virginia, County of Wood, City of Parkersburg, Judges of Fourth Judicial Circuit Court and Magistrates of Wood County, West Virginia, Prosecutor's Office of Wood County, West Virginia, West Virginia Department of Human Resources, Social Workers of West Virginia Department of Human Resources of Wood County, West Virginia possessed knowledge of Malfeasance, Misfeasance, Nonfeasance and gross neglect of duty of Social Workers making false [Perjury] statements/having with possession of knowledge of false [Perjury] statements for seizure of citizens life, liberty and/or property under color of

state law by neglecting prevention of further injury of wrongs by denial of court access with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

d) Wood County Prosecutor Office, Judges of Fourth Judicial Circuit Court, Wood County, West Virginia and West Virginia Department of Human Resources denying family member rights of custody over relatives for termination of parental rights with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

e) George Hill [Judge] and Martha Rutherford [Secretary] removed "Primary Evidence" within Files of Fourth Judicial Circuit Court; Wood County, West Virginia for destruction of Public Record with evidence of Kidnapping and Involuntary Servitude into Slavery by West Virginia Department of Health and Human Resources, Wood County Prosecutor Office, Judge's and Social Worker with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

f) Judges of Fourth Judicial Circuit Court, Wood County, West Virginia denied Court access against Low Income Family of Abuse and neglect cases only with no investigation from Supreme Court of Appeals, Charleston, West Virginia.

g) State of West Virginia instituted Criminal Indictments against citizens of West Virginia with Judges neglecting recusal for bias by possessing personal interest with outcome of Indictment with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

h) Deputy Sheriff, West Virginia State Police Officers, West Virginia Department of Health and Human Resources Employee's, Wood County Prosecution Office and Secretary of Judges filed criminal complaints against Pamela Sue, Ervin for covering up Alleged Activities of crimes with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

i) Jeff Bowles [State Police] filed criminal complaint against Pamela Sue, Ervin neglecting to be witness against Pamela Sue, Ervin without a U.S.C.A. IV or Article III Section 6 Search and Seizure Warrant under Constitution of West Virginia with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

j) Jeff Bowles [State Police] filed criminal complaint against Pamela Sue, Ervin without being named as a party for Pamela Sue, Erin declared under Oath/Affirmation Pamela Sue, Ervin's Bona-fide Christian Appellation did not appear as a Named Party within Complaint with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

k) Pamela Sue, Ervin is incarcerated within a West Virginia County Jail for two years without being named as a Party and without being Indicted by a Grand Jury for denial of due process of Law under Color of state Law with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

l) William Rhodes [Magistrate] refused Pamela Sue, Ervin continuance of case for seeking Counsel of choice for trial with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

m) Pamela Sue, Ervin is incarcerated by West Virginia for Malfeasance, Misfeasance, and Nonfeasance in office by Officer of Wood County under Color of Law for covering up Slavery of Children with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

n) Joel Anson, Shuler was incarcerated by West Virginia for Malfeasance, Misfeasance, and Nonfeasance of office by Officers of Wood County under Color of Law for seeking justice against Slavery of Children with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

o) Valentine Porter is incarcerated by West Virginia s with knowledge of "Primary Evidence" State of West Virginia's Expert Witnesses committing Perjury testifying without an investigation behalf of State of West Virginia for Malfeasance, Misfeasance, and Nonfeasance of office by Officers of Wood County under Color of Law for covering up Slavery of Children with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

p) Eric Porter Junior is incarcerated by West Virginia state with knowledge of "Primary Evidence" State of West Virginia's Expert Witness committing Perjury testifying without an investigation by State of West Virginia for Malfeasance, Misfeasance, and Nonfeasance in office by Officer of Wood County under Color of Law for cover up Slavery of

Children with no investigation by Supreme Court of Appeals, Charleston, West Virginia.

CONCLUSION

3) January 28, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Supreme Court of Appeals of West Virginia for Bill of Attainder by aiding, comforting and Harboring "**Alleged Criminals**" by Nonfeasance of Office for Impairing Obligation of Contract for Perjury of Oath of Office for denial of Court access or an investigation in to Alleged Criminal activity with no investigation from Supreme Court of Appeals, Charleston, West Virginia.

4) January 28, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Supreme Court of Appeals of West Virginia for possession of knowledge defined under Uniform Commercial Code 1-201(25-27) of Fraud for Establishing Claim of liability of Knowledge and denied Larry Ritchie Junior and Bryan Douglas Wallace Petitioners Court Access.

5) January 28, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Supreme Court of Appeals of West Virginia for acting in concert with Fourth Judicial Circuit Court, Wood County, West Virginia in supporting; aiding; comforting and Shielding prosecution/administration of Justice against Respondents State of West Virginia [Sued as a Person]; County of Wood [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves

[Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police].

6) January 28, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Supreme Court of Appeals of West Virginia for jeopardizing health; safety; welfare of Citizens of West Virginia, Larry Ritchie Junior and Bryan Douglas Wallace Petitioners' Right of Due Course of Law under Rights reserved timely under Uniform Commercial Code 1-207 for reservation of rights under Uniform Commercial Code 1-103 for Principals of Law Applicable.

APPENDIX B — OPINION FOURTH JUDICIAL CIRCUIT COURT, WOOD COUNTY, WEST VIRGINIA

DECIDED JANUARY 7, 1999

In the

FOURTH JUDICIAL CIRCUIT COURT
WOOD COUNTY, WEST VIRGINIA

Incorporated Case 98-C-510

LARRY RITCHIE JUNOR and BRYAN DOUGLAS WALLACE

Plaintiffs,

-vs-

STATE OF WEST VIRGINIA [SUED AS A PERSON] et al

Respondents,

December 3, 1998; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiff's entered into Contract under Master/Servant relationship with Fourth Judicial Circuit Court; Wood County, West Virginia by way of Bill of Complaint: Writ of Error for Trial by Jury.

January 7, 1999; Fourth Judicial Circuit Court; Wood County, West Virignia issued an Order dismissing Larry Ritchie Junior and Bryan Douglas Wallace Plaintiff's Bill of Complaint: Writ of Error for failure to state a claim for which relief may be granted.

I. FACTS

1) December 3, 1998; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs presented under Uniform Commercial Code 3-501 for Presentment of Contract under master/Servant relationship by way of Bill of Complaint: Writ of Error with Fourth Judicial Circuit Court, Wood County, West Virginia exposing "alleged Fraud" perpretated by Respondents State of West Virginia [Sued as a Person]; County of Wood [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle

Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] for Trial by Jury secured by payment of filing fee in amount of $75.00 and no cents based upon following facts:

a) Mercedes Dawn, Alexander; Steve Dwayne, Alexander III; Samantha Renee, Miller; Joseph Todd, Alexander; Stacey Dawn, Wright; James Clinton, Sprouse Jr.; Cody Alexander, Sprouse; Jonathan Michael, Duby; Jordan Porter; and Jamie Porter were kidnapped without Due Process of Law under U.S.C.A. V, XIV and under Article III Section 10 under Constitution of West Virginia for termination of parental rights in a civil action.

b) Jamie Darren, Sprouse; Kristina Lin, Hunton; Tiffany Joy, Shuler; Tiara Dawn, Shuler; Mercedes Dawn, Alexander; Steve Dwayne, Alexander III; Samantha Renee, Miller; Joseph Todd, Alexander; Stacey Dawn, Wright; James Clinton, Sprouse Jr.; Cody Alexander, Sprouse; Jonathan Michael, Duby; Jordan Porter; and Jamie Porter were kidnapped without U.S.C.A. IV or Article III Section 6 under Constitution of West Virginia for Warrant of Seizure of Citizens for termination of parental rights in a civil action.

c) State of West Virginia, County of Wood, City of Parkersburg, Judges of Fourth Judicial Circuit Court and Magistrates of Wood County, West Virginia, Prosecutor's Office of Wood County, West Virginia, West Virginia Department of Human Resources, Social Workers of West Virginia Department of Human Resources of Wood County, West Virginia possessed knowledge of Malfeasance, Misfeasance, Nonfeasance and gross neglect of duty of Social Workers making false [Perjury] statements/having with possession of knowledge of false [Perjury] statements for seizure of citizens life, liberty and/or property under color of state law by neglecting prevention of further injury of wrongs by denial of court access.

d) Wood County Prosecutor Office, Judges of Fourth Judicial Circuit Court, Wood County, West Virginia and West Virginia Department

of Human Resources denying family member rights of custody over relatives for termination of parental rights.

e) George Hill [Judge] and Martha Rutherford [Secretary] removed "Primary Evidence" within Files of Fourth Judicial Circuit Court; Wood County, West Virginia for destruction of Public Record with evidence of Kidnapping and Involuntary Servitude into Slavery by West Virginia Department of Health and Human Resources, Wood County Prosecutor Office, Judge's and Social Worker.

f) Judges of Fourth Judicial Circuit Court, Wood County, West Virginia denied Court access against Low Income Family of Abuse and neglect cases only.

g) State of West Virginia instituted Criminal Indictments against citizens of West Virginia with Judges neglecting recusal for bias by possessing personal interest with outcome of Indictment.

h) Deputy Sheriff, West Virginia State Police Officers, West Virginia Department of Health and Human Resources Employee's, Wood County Prosecution Office and Secretary of Judges filed criminal complaints against Pamela Sue, Ervin for covering up Alleged Activities of crimes.

i) Jeff Bowles [State Police] filed criminal complaint against Pamela Sue, Ervin neglecting to be witness against Pamela Sue, Ervin without a U.S.C.A. IV or Article III Section 6 Search and Seizure Warrant under Constitution of West Virginia.

j) Jeff Bowles [State Police] filed criminal complaint against Pamela Sue, Ervin without being named as a party for Pamela Sue, Erin declared under Oath/Affirmation Pamela Sue, Ervin's Bona-fide Christian Appellation did not appear as a Named Party within Complaint.

k) Pamela Sue, Ervin is incarcerated within a West Virginia County Jail for two years without being named as a Party and without being Indicted by a Grand Jury for denial of due process of Law under Color of state Law.

l) William Rhodes [Magistrate] refused Pamela Sue, Ervin continuance of case for seeking Counsel of choice for trial.

m) Pamela Sue, Ervin is incarcerated by West Virginia for

Malfeasance, Misfeasance, and Nonfeasance of office by Officers of Wood County under Color of Law for covering up Slavery of Children.

n) Joel Anson, Shuler was incarcerated by West Virginia for Malfeasance, Misfeasance, and Nonfeasance of office by Officers of Wood County under Color of Law for seeking justice against Slavery of Children.

o) Valentine Porter is incarcerated by West Virginia s with knowledge of "Primary Evidence" State of West Virginia's Expert Witnesses committing Perjury testifying without an investigation behalf of State of West Virginia for Malfeasance, Misfeasance, and Nonfeasance of office by Officers of Wood County under Color of Law for covering up Slavery of Children.

p) Eric Porter Junior is incarcerated by West Virginia state with knowledge of "Primary Evidence" State of West Virginia's Expert Witness committing Perjury testifying without an investigation by State of West Virginia for Malfeasance, Misfeasance, and Nonfeasance in office by Officer of Wood County under Color of Law for cover up Slavery of Children.

2) January 7, 1999; Fourth Judicial Circuit Court; Wood County, West Virginia ordered Hearing in favor of Respondents State of West Virginia [Sued as a Person]; County of Wood [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] Motions to Dismiss with Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Motions to Strike against Respondents State of West Virginia [Sued as a Person]; County of Wood [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary]; Wood County

Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] Motions to Dismiss for Insufficient Defense; Redundant; Scandalous; Impertient and Immaterial Substance.

3) January 7, 1999; Robert Waters [Judge] denied Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs Court access for adjudication of Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Bill of Complaint: Writ of Error for presentation of case before Trial by Jury under Obligation of Contract of Master/Servant Relationship between Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs under security of payment of filing fee in amount of $75.00 for Trial by Jury.

4) January 7, 1999; Robert Waters [Judge] for Fourth Judicial Circuit Court, Wood County; West Virginia neglected observance of usage and applicability of Procedure within Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Bill of Complaint: Writ of Error by design.

5) January 7, 1999; Robert Waters [Judge] impaired Obligation of Contract for Perjury of Oath of Office under Master/Servant Relationship between Masters Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs and Fourth Judicial Circuit Court; Wood County, West Virginia servant for denial of Court access by neglecting Larry Ritchie Junior and Bryan Douglas Wallace Plaintiff's Right of Trial by Jury demanded timely and in Good Faith under Rights reserved by design.

6) January 7, 1999; Robert Waters [Judge] of Fourth Judicial Circuit Court; Wood County, West Virginia imposed Imposition of Ex Post Facto Law for infringment of Rights reserved under Uniform Commercial Code 1-207 for Reservation of Rights under Uniform Commercial Code 1-103 for Principal of Law Applicable against Larry Ritchie Junior and Brayn Douglas Wallace Plaintiffs for impairing Obligation of Contract secured by payment of filing fee in amount of $75.00 and no cents for denial of Court Access for denial of presentment before Jury for adjudication of Larry Ritchie Junior and Bryan Douglas Wallace Plaintiff's Bill of Complaint: Writ of Error by design.

7) Robert Waters [Judge] neglected recusal for bias for Robert Waters' [Judge] friends were named as Respondents within Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Bill of Complaint: Writ of Error by design.

8) Robert Waters [Judge] aided; comforted and shielded Respondents against prosecution by practicing law from bench of Fourth Judicial Circuit Court. Wood County West Virginia by defending Respondents against claims asserted by Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs by design.

9) Robert Waters [Judge] possessed knowledge defined under Uniform Commercial Code 1-201(25-27) of Fraud by presenment of Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Bill of Complaint: Writ of Error Alleging Involuntary Servitude; Kidnapping; unlawful incarcerations for Misprision of Felonies; Conspiracy and Extortion and neglected court access in favor of Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs adjudication under Due Course of Law for offering of proof by Procedure of discovery for establishing Alleged Fraud under status of res Judicata by design.

10) Robert Waters [Judge] interfered with flow of commerce by impairing obligation of Contract under Master/Servant relationship with Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs by imposition of ex Post Fact Law and Bill of Attainder for denial of Due Course of Law by neglecting Larry Ritchie Junior and Bryan Douglas Wallace Discovery by denial of Court Access by design.

11) Robert Waters [Judge] denied Due Process of Law under 1789 United States Constitution Amendment V and XIV and Article III Section 10 under Constitution of West Virginia by conducting Hearing January 7, 1999 without allowing Larry Ritchie Junior and Bryan Douglas Wallace time of 14 days for answering with counter evidence by design.

12) Robert Waters [Judge] aided and abetted activity of crimes with possession of knowledge defined under Uniform Commercial Code 1-201(25-27) of Fraud and neglected Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' conduct discovery exposing fraud in supporting evidence in custody of Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs by design.

13) Robert Waters [Judge] acting in concert with law firms of Steptoe and Johnson; Mundy and Adkins and Pullin, Knopf, Fowler and Flanagan jeopardized Larry Ritchie Junior and Bryan Douglas Wallace

Plaintiffs execution of Due Process and Equal Protection and benefit of Law under obligation of contract by Oath of Office by design.

14) Robert Waters [Judge] impaired obligation of contract by dismissal of Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Bill of Complaint: Writ of Error without Respondents State of West Virginia [Sued as a Person]; County of Wood [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] answering Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Bill of Complaint: Writ of Error by Design.

15) Robert Waters [Judge] dismissal was based upon presentment of Evidence by law firms of Steptoe and Johnson; Mundy and Adkins and Pullin, Knopf, Fowler and Flanagan counsel for Respondents State of West Virginia [Sued as a Person]; County of Wood [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] of Bias for Collusion by slandering and mocking spirit; usage and applicability provided by 1789 Constitution of United States of America by design.

16) Robert Waters [Judge] dismissal was based upon presentment of Evidence by law firms of Steptoe and Johnson; Mundy and Adkins and Pullin, Knopf, Fowler and Flanagan counsel for Respondents State of West Virginia [Sued as a Person]; County of Wood [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social

Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police] of Bias by design for usage of Orders delivered by Courts within United States of America neglecting appearance of Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' genuine name for discrimination; lack of Jurisdiction over Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' for Imposition of ex post Facto Law and Bill of Attainder(s) and neglecting Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Right under 1789 Constitution of United States of America Amendment I for Freedom of Speach by design for claims asserted by Larry Ritchie Junior and Brayn Douglas Wallace Plaintiffs' could have changed outcome of Orders delivered by other Courts within United States of America imposed upon Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs.

17) Robert Waters [Judge] for Fourth Judicial Circuit Court; Wood County, West Virginia permitted evidence of bias entered within record of Fourth Judicial Circuit Court, Wood County, West Virginia with averments of threats of unlawful incarceration against Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' exercising federally protected activities under 1789 Constitution of United States of America Amendment V and XIV and Article III Section 10 under Constitution of West Virginia for Due Process and Equal Protection and Benefit under Law for Petitioning Governemnt for redress of grievances under 1789 Constitution of United States of America Amendment I for Right of Petitioning Government for redres of grievances.

18) Fourth Judicial Circuit Court, Wood County; West Virginia is holder of record sought for review by Supreme Court of United States.

C. CONCLUSIONS OF LAW

19) January 7, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Petitioners were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Robert Waters [Judge] for Misfeasance of Office by neglecting recusal for possession of

self-interest upon adjudication of Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Bill of Complaint: Writ of Error for Bias.

20) January 7, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Robert Waters [Judge] for Imposition of Ex Post Facto Law for infringement of Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Right of Procedural due process and Substantive due process under 1789 Constitution of the U.S.A. reserved timely under U.C.C. 1-207 for Reservation of Rights under U.C.C. 1-103 for Principals of Law Applicable for neglecting Trial by Jury secured by presentment of Contract under security of interest by payment of filing fee of $75.00.

21) January 7, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Robert Waters [Judge] for Bill of Attainder for subterfuging Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs' Right of Procedural due process and Substantive due process under 1789 Constitution of the U.S.A. reserved timely under U.C.C. 1-207 for Reservation of Rights under U.C.C. 1-103 for Principals of Law Applicable for neglecting Trial by Jury secured by presentment of Contract secured under payment of filing fee in amount of $75.00.00 by Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs for presentation of case before Trial by Jury.

22) January 7, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Robert Waters [Judge] for "Nonfeasance of Office" for permitting Evidence entered of Bias; Insufficient Defense; Scandalous and Immaterial Substance objected timely by Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs for

neglecting Rule of Law under F.R.E. Rule 104(a) for Question of Admissibility of Evidence by F.R.E. Rule 104(b) for Condition of Fact under F.R.E. Rule 403 for Exclusion of Evidence upon grounds of Bias and waste of time.

23) January 7, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Robert Waters [Judge]; PULLIN, KNOPE, FOWLER & FLANAGAN; MUNDY & ADKINS and STEPTOE & JOHNSON for aiding, comforting and Harboring "**Alleged Criminals**" by Misfeasance and Nonfeasance of Office for Impairing Obligation of Contract for Perjury of Oath of Office for denial of Court access.

24) January 7, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Robert Waters [Judge] for Impairing Obligation of Contract for Perjury of Oath of Office by Obstruction of Justice for denial of Court access.

25) January 7, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs were injured for knowledge of Law under Title 42 U.S.C. Section 1986 neglecting prevention of further injury or wrong by Robert Waters [Judge] for compromising health; welfare and safety of Citizens of West Virginia by setting aside 1789 Constitution of West Virginia and Laws of United States of America for aiding; shielding and comforting activities of crimes by unauthorization practice of law from bench of Fourth Judicial Circuit Court; Wood County, West Virginia.

26) January 7, 1999; Without Due Process of Law under 1789 U.S.C.A. V, XIV and Article III Section 10 under Constitution of West Virginia; Larry Ritchie Junior and Bryan Douglas Wallace Plaintiffs were injured for knowledge of Law under Title 42 U.S.C. Section 1986

neglecting prevention of further injury or wrong by Robert Waters [Judge] for acting in concert with PULLIN, KNOPE, FOWLER & FLANAGAN; MUNDY & ADKINS and STEPTOE & JOHNSON Counsel of record for Respondents State of West Virginia [Sued as a Person]; County of Wood [Sued as a Person]; City of Parkersburg [Sued as a Person]; Jeffery Reed [Judge]; George Hill [Judge]; William Rhodes [Magistrate]; Michelle Rusen [Prosecutor]; West Virginia Department of Human Resources [Sued as a Person]; Joan George [Social Worker]; Patricia Fore-McCay [Social Worker]; Sara Reeves [Social Worker]; Mary Rossana [Social Worker]; Marsha Rutherford [Secretary]; Wood County Prosecutor Office [Sued as a Person]; Harold Phillips [Deputy Sheriff] and Jeff Bowles [State Police].

APPENDIX C — RELEVANT STATUTES AND CONSTITUTION OF WEST VIRGINIA.

I. United States Code Section

1) Title 42 U.S.C.S. § 1986 Knowledge of Law;

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this Title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects of refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action of the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000.00 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

2) Title 42 U.S.C.S. § 1985 Conspiracy to interfere with civil Rights;

(1) Preventing officer from performing duties. If two or more person in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as on officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) Obstructing justice; intimidating party, witness, or juror. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror

in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to be him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges. If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any state or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

3) Title 42 U.S.C.S. § 1983 Deprivation of Rights;

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or cause to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

4) Title 18 U.S.C.S. § 242 Deprivation of Rights under Color of Law;

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

5) Title 18 U.S.C.S. § 241 Conspiracy against rights;

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him be the Constitution or Laws of the United States, or because of his having so exercised the same; or

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

6) Title 18 U.S.C.S. § 700 Desecration Flag of United States of the America;

(a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both;

(d)(1) An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order

issued by a United States district court ruling upon the constitutionality of subsection (a).

(d)(2) The Supreme Court shall, if it has not previously ruled on the question, accept jurisdiction over the appeal and advance on the docket and expedite to the greatest extent possible.

7) Title 18 U.S.C.S. § 872 Extortion by officers or employees of the United States;

Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than three years, or both.

8) Title 18 U.S.C.S. § 1201 Kidnapping;

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when

(a)(1) the person is willfully transported in interstate or foreign commerce;

(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-for hours after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate of foreign commerce.

(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(d) Whoever attempts to violate subsection (a) shall be punished by imprisonment for not more than twenty years.

9) Title 18 U.S.C.S. § 1505 Obstruction of Justice;

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies and documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of ether House of any joint committee of the Congress---

Shall be fined under this title or imprisoned not more than five years, or both.

10) Title 18 U.S.C.S. § 1584 Sale into involuntary servitude;

Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 10 years, or both.

11) Title 18 U.S.C.S. § 1588 Transportation of Slaves;

Whoever, being the master or owner or person having charge of any vessel, receives on board any other person with the knowledge or intent that such person is to be carried from any place within the United States to any other place to be held or sold as a slave, or carries away from any place within the United States any such person with the intent that he may be so held or sold as a slave, shall be fined under this title or imprisoned not more than 10 years, or both.

12) Title 18 U.S.C.S. § 1621 Perjury of Oath of Office;

Whoever;

(1) having taken as oath before a competent tribunal, officer, or person, in any case in which a law of the united states authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five

years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

13) Title 18 U.S.C.S. § 1951 Fraud and Racketeering;

(a) Whoever in any way or degree obstructs, delays, or effects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

(b) As used in this section;

(b)(1) The term "robbery" means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

(b)(2) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under Color of Official Right.

(b)(3) The term "commerce" means commerce within the District of Columbia, or any Territory or possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

14) Title 28 U.S.C.S. § 1605 General exceptions to the jurisdictional immunity of a foreign state;

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case;

(a)(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

(a)(5) not otherwise encompassed in paragraph (2) above, in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, occurring in the United States and

caused by the tortuous act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of his office or employment; except this paragraph shall not apply to;

(a)(5)(A) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function regardless of whether the discretion be abused, or

(a)(5)(B) any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

15) Title 28 U.S.C.S. § 1606 Extent of liability;

As to any claim for relief with respect to which a foreign state is not entitled to immunity under section 1605 or 1607 of this chapter, the foreign state shall be liable in the same manner and to the same extent as a private individual under like circumstances; but a foreign state except for an agency or instrumentality thereof shall not be liable for punitive damages; if, however, in any case wherein death was caused, the law of the place where the action or omission occurred provides, or has been construed to provide, for damages only punitive in nature, the foreign state shall be liable for actual or compensatory damages measured by the pecuniary injuries resulting from such death which were incurred by the persons for whose benefit the action was brought.

II. Constitution of West Virginia.

16) Article III Section 4 Writ of Habeas Corpus.

The privilege of the writ of habeas corpus shall not be suspended. No person shall be held to answer for treason, felony or other crime, not cognizable by a justice, unless on presentment or indictment of a grand jury. No bill of attainder, ex post facto law, or law impairing the obligation of a contract, shall be passed.

17) Article III Section 6 Unreasonable Searches and Seizures Prohibited.

The rights of the citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated. No warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, or the person or thing to be seized.

18) Article III Section 10 Safeguards for Life, Liberty and Property.

No person shall be deprived of life, liberty, or property, without due process of law, and the judgment of his peers.

19) Article III Section 13 Right of Jury Trial

In suits at common Law, where the value in controversy exceeds twenty dollars exclusive of interest and costs, the right of trial by jury, if required by either party, shall be preserved; and in such suit in a court of limited jurisdiction a jury shall consist of six persons. No fact tried by a jury shall be otherwise reexamined in any case than according to rule of court or Law.

20) Article VIII Section 6 Circuit Court; Jurisdiction, Authority and Power.

Circuit courts shall have control of all proceeding before magistrate court by mandamus, prohibition and certiorari.

Circuit courts shall have original and general jurisdiction of all civil cases at law where the value or amount in controversy, exclusive of interest and costs, exceeds one hundred dollars unless such value or amount is increased by the legislature; of all civil cases in equity; of proceedings in habeas corpus, mandamus, quo warranto, prohibition and certiorari; and of all crimes and misdemeanors. On and after January one, one thousand nine hundred seventy-six, the Legislature may provide that all matters of probate, the appointment and qualification of personal representatives, guardians, committees and curators, and the settlements of their accounts, shall be vested exclusively in circuit court or their officers, but until such time as the Legislature provides otherwise, jurisdiction in such matters shall remain in the county commissions or tribunals existing in lieu thereof or the officers of such county commissions or tribunals.

Circuit courts shall have appellate jurisdiction in all cases, civil and criminal, where an appeal, writ of error or supersedeas is allowed by law to the judgment or proceedings of any magistrate court, unless such jurisdiction is conferred by law exclusively upon an intermediate appellate court or the supreme court of appeals.

Circuit courts shall also have such other jurisdiction, authority or power, original or appellate or concurrent, as may be prescribed by law.

Subject to the approval of the supreme court of appeals, each circuit court shall have the authority and power to establish local rules to govern the court.

Subject to the supervisory control of the supreme court of appeals, each circuit court shall have general supervisory control over all magistrate courts in the circuit. Under the direction of the chief justice of the supreme court of appeals, the judge of the circuit court, or the chief judge thereof if there be more than one judge of the circuit court, shall be the administrative head of the circuit court and all magistrate courts in the circuit.

21) Article IX Section 4. Malfeasance and Misfeasance in Office.

The presidents of the county courts, the justices of the peace, sheriffs, prosecuting attorneys, clerks of the circuit and of the county courts, and all other county officers shall be subject to indictment for malfeasance, misfeasance, or neglect of official duty and upon conviction thereof, their office shall become vacant.